



Bureau of Land Management

Boise District Office
Four Rivers Field Office
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Worksheet Determination of NEPA Adequacy (DNA) U.S. Department of the Interior Bureau of Land Management

OFFICE: Four Rivers Field Office

TRACKING NUMBER: DOI-BLM-ID-B010-2011-0002-DNA

CASEFILE/PROJECT NUMBER: IDI-36234 and IDI-36400

PROPOSED ACTION TITLE/TYPE: West of Weiser Geothermal Lease Nominations

LOCATION/LEGAL DESCRIPTION:

IDI-36234 – 888.88, Washington County

T. 11 N., R. 6 W., Boise Meridian

Sec. 2 – Lots 1-3, S2NE;

Sec. 3 – SENE, NESE;

Sec. 5 – Lots 1-2, S2NE;

Sec. 18 – Lots 1-4, W2NE, E2W2, NWSE;

Sec. 19 – Lot 5.

IDI-36400 – 200.86, Washington County

T. 12 N., R. 6 W., Boise Meridian

Sec. 32 – Lot 5, NESW, NWSE;

Sec. 33 – NESW, SWNW.

Total acres: 1,089.66, in Washington County, Idaho. See Attachments 1 and 2, Project Location and Topographic Maps.

APPLICANT (if any): Nominations were received in 2008 and 2009 by the Idaho State Office of the Bureau of Land Management (BLM) to have these lands made available for competitive lease. The BLM does not release the name(s) of the nominator(s). Successful lessee's names would be made available at the time of lease sale.

BACKGROUND:

The leasing of geothermal resources is authorized under the Minerals Leasing Act of 1920 as amended by the Geothermal Steam Act of 1970, and the Energy Policy Act of 2005. It is the policy of the BLM as derived from these laws, and from the Federal Land Policy Management Act of 1976, to make geothermal resources available for leasing and to encourage development

of geothermal resources to meet national, regional, and local needs. The Cascade Proposed Resource Management Plan and Final Environmental Impact Statement and Record of Decision (Cascade RMP-ROD, July 1988), as amended by the Record of Decision and Resource Management Plan Amendments for Geothermal Leasing in the Western United States Programmatic Environmental Impact Statement (Geothermal PEIS, December 2008), analyzed and allows for geothermal leasing on these parcels. The Geothermal PEIS amended 114 land use plans in the Western United States, including the Cascade RMP to: designate about 111 million acres of BLM public land and mineral estate as available for nominations and applications for geothermal leasing; adopt stipulations, Best Management Practices, and procedures for future geothermal leasing and development where plans did not adequately address geothermal resource leasing; and develop the reasonably foreseeable development (RFD) scenario for geothermal development for lands, including those covered by the Cascade RMP-ROD.

The Geothermal Steam Act defines geothermal resources as heat or other associated energy found in geothermal formations and any byproduct derived from them. A geothermal lease gives a lessee the right to appropriate the heat produced from geothermal formations. The water in which the heat is transported is managed by the State of Idaho Department of Water Resources. Once a lease is issued, the lessee is responsible for compliance with the lease terms and conditions, stipulations, geothermal resource orders, and all applicable state and federal regulations. Federal regulations pertaining to geothermal resource leasing are found at 43 CFR 3200. In addition, prior to development of a geothermal resource, the lessee would have to comply with applicable provisions of the Idaho Geothermal Resources Act, (Section 42-4001 Idaho Code and in Idaho Administrative Code 37.03.04.001); rules and regulations now in existence or as may be modified in the future, consistent with lease rights. BLM requires a performance bond prior to any surface disturbance.

If leased, the primary lease term would be 10 years. The primary lease term may be extended for two 5-year periods if the lessee has met diligent development requirements, with extensions up to 35 years and a renewal period of up to 55 years for a producing lease. For other than direct use, the maximum allowable acreage per lease is 5,120 acres, unless the area to be leased includes an irregular subdivision (CFR 43 §3206.12). Both these parcels are smaller than that.

The four stages of geothermal resource development after lease issuance are exploration, drilling operations, utilization, and reclamation and abandonment. Lease issuance alone does not authorize any ground-disturbing activities to explore for or develop geothermal resources without site-specific approval for the intended operation. Each stage after lease issuance requires a permit or other authorization from the BLM. Such approval would include additional environmental review that is specific to the action being proposed, and specific to its proposed location. For each proposed activity, the BLM can issue site-specific conditions-of-approval to protect resource values; require the action to be modified; and/or require the activity to be relocated to a different location of the lease where the impacts can be better mitigated.

Little research has been conducted on the geothermal potential of the area, however Young and Whitehead compiled available information and published a report in 1974. Based on geochemical thermometers, they calculated aquifer temperatures between 150 and 242 °C. For the purposes of land use planning, the Geothermal Potential Report (prepared for the current Four Rivers RMP revision effort) indicates that the area west of Weiser has high potential for discovery of a geothermal resource. It is anticipated that the level of geothermal exploration and

development activity that might occur on the leases would be typical of that occurring in other areas of moderate potential in the western United States; the level of activity is described in the Reasonably Foreseeable Development Scenario in the Geothermal PEIS (Section 2.5).

To review these lease nominations, the BLM Four Rivers Field Office selected an interdisciplinary team of specialists from the BLM Boise District Office and BLM Idaho State Office with training and experience in land and mineral law, geology and mineral resources, wildlife biology, rangeland resources, botany, cultural and historic resources, Native American concerns, recreation resources, riparian resources, ecology, weed control, hazardous materials, fire and fuels control, and a specialist in the planning and environmental review process. The interdisciplinary team followed the BLM environmental review guidelines (BLM Manual Handbook H-1790-1, 2008) to determine the level of environmental review. The interdisciplinary team reviewed the proposed action to assess what level of environmental review and public involvement would meet the requirements of the National Environmental Policy Act (NEPA) of 1969, and provide the basis for development of any necessary stipulations to be attached to the leases, in addition to the standard lease terms and conditions.

Based upon their knowledge of issues in the area and review of the Cascade RMP-FEIS and RMP-ROD (USDOI BLM 1987, 1988) and the Record of Decision and Resource Management Plan Amendments for Geothermal Leasing in the Western United States Programmatic Environmental Impact Statement (Geothermal PEIS, December 2008), the team determined that lease nomination review and stipulation development could proceed under a Determination of NEPA Adequacy (DNA). A DNA confirms that an action is adequately analyzed in existing NEPA documents and is in conformance with the Land Use Plan. However, the team determined that this lease nomination action would benefit by inviting public input from residents and interested parties in the vicinity of the lease nominations, in case new issues or changed circumstances surfaced that were unknown to the team.

On October 29, 2010, Federal, State, County, and Tribal governmental agencies, privately held companies, interested groups, twenty-eight affected or adjacent land users or owners and the general public were invited to provide input for these lease nominations. The notice of review and a project information package was posted on the BLM environmental planning (ePlanning) Web site. A news release was issued on November 8, 2010, on the BLM web site and to local news services in Boise, Kuna, and Weiser, Idaho. Boise Public Radio broadcast news information about the proposed action. Upon request, a field tour was conducted on December 15, 2010 for a representative of the Western Watersheds Project nongovernmental organization and on January 5, 2011 the Field Manager met with a representative of the Idaho Conservation League to listen to questions and concerns about the process for development of lease stipulations and other issues.

As a result of the invitation for public input, the BLM received eleven responses. Three nongovernmental organizations, the U.S. Fish and Wildlife Service, and the Idaho Department of Fish and Game, expressed concerns about possible impacts to habitat for two candidate species and one sensitive species: greater sage-grouse (*Centrocercus urophasianus*); southern Idaho ground squirrel (*Spermophilus brunneus endemicus*); and Columbian sharp-tailed grouse (*Tympanuchus phasianellus columbianus*). One comment was received from an adjacent land owner who expressed concerns about protection of fresh water springs and a water well on their property. These issues are addressed in Section D of this DNA.

Comments from one nongovernmental organization expressed concern that these lands should never have been open to leasing. In response to the Energy Act of 2005, the RMP currently in effect for these lands was amended in 2008 through the preparation of the Geothermal PEIS. The Geothermal PEIS identifies these lands as open to geothermal leasing and identifies stipulations that can be applied as appropriate, to new leases for public lands that are available for leasing so that likely impacts could be reduced or avoided. Therefore, geothermal leasing of these lands is not considered to be a new issue or circumstance that wasn't addressed in the existing Land Use Plan or NEPA documents.

The remaining five comments were received: one nongovernmental organization requested information on how to find the scoping package in the BLM website; three State agencies responded that they had no comments at the leasing stage; one geothermal industry company expressed support for leasing with appropriate lease stipulations.

A. Description of the Proposed Action and any applicable mitigation measures.

The Proposed Action is to offer two parcels for geothermal leasing. The parcels are located approximately 8 miles west northwest of Weiser, Idaho (Attachment 2). The lands were analyzed and found suitable for leasing in the Cascade RMP-ROD as amended by the Geothermal PEIS. The parcels would be offered at a future competitive lease sale in 2011. If no parties bid on a parcel, the lands would be available for noncompetitive leasing for a 2-year period beginning the first business day following the competitive lease sale (43 CFR § 3204.5(a)).

Approximately 200 acres of parcel IDI-36234 are split estate lands, in which the surface estate was patented with a reservation of the mineral estate to the Federal Government. Activities and use of private land are not generally subject to the Federal Land Policy and Management Act (FLPMA) planning requirements, and the BLM does not have authority under FLPMA over use of the surface by the surface owner. However, when a Federal action such as mineral leasing is proposed on split estate lands, the BLM is required to analyze in land-use planning and NEPA documents the impacts to surface resources, uses, and users. Therefore, the NEPA responsibilities on split estate lands are basically the same as for Federal surface.

STIPULATIONS:

Lease stipulations, identified in Attachment 3, would be attached to each lease and are an enforceable part of the lease. These lease stipulations were developed consistent with the Cascade RMP-ROD (as amended by the Geothermal PEIS), BLM directives, wildlife conservation plans, and cooperative agreements with the Idaho Department of Fish and Game (IDFG) as authorized by the Sikes Act of 1960, as amended (1968, 1974, 1978, 1982, 1986, 1988, 1989, 1997, and 2000, 16 U.S.C. §§ 670g-670o). Lease stipulations would apply to all nominated parcels, except as noted for Stipulations 5 and 6. Stipulations developed for surface protection on federal lands would be applied to split estate lands where standard lease terms and conditions are not adequate to protect those resources. Exceptions, modifications and waivers to the lease stipulations may be granted to accommodate surface owner agreements identified during onsite meetings with split estate land owners.

COMPLIANCE PLAN (optional): Not Applicable at this stage of the process.

B. Land Use Plan (LUP) Conformance

LUP Name: Cascade Resource Management Plan Record of Decision. (Cascade RMP-ROD).
Completed: July 1, 1988.

Proposed Cascade Resource Management Plan and Final Environmental Impact Statement (RMP FEIS), August 1987.

LUP Amendment: Record of Decision and Resource Management Plan Amendments for Geothermal Leasing in the Western United States and associated Programmatic Environmental Impact Statement (Geothermal PEIS).

Date Approved: December 17, 2008.

The proposed action is in conformance with the Cascade RMP-ROD, as amended, because geothermal leasing is specifically provided for in the following RMP management direction:

Cascade RMP-ROD:

Page 16- “Minerals Management, Leasables: Oil, gas and geothermal mineral exploration and development is open on 456,289 acres (94%) of the resource area”, including the area of these nominations.

Page 56- “BLM will manage geological, energy and minerals resources on public lands. Geological resources will be managed so that significant scientific, recreational and educational values will be maintained or enhanced. Generally, the public lands are available for exploration and development subject to applicable regulations and Federal and State laws.”

Page 56- “Energy and mineral leasing are discretionary actions. Approval of an application for lease is subject to an environmental analysis and may include stipulations to protect other resources. Generally, the public lands may be considered for energy and mineral leasing.”

The RMP-FEIS analyzed resource conditions and provided management guidelines for numerous resources, including livestock forage (pp. 9, 24, 45), wildlife and wildlife habitat, including threatened, endangered, proposed or candidate species, and sensitive species (pp. 11, 26, 48, 49, Table 1), riparian/aquatic resources (pp. 11, 27), Columbian sharp-tailed grouse (pp. 27, 34, 35, 49, Table 1), sage-grouse (pp. 27, 49, 51, Table 1), vegetative resources (pp. 12, 25), soil and water resources (including identification of soil erosion hazard areas (pp. 12, 25, 44, 45, map 3-3), lands and realty (pp. 13, 28, 39), recreation (pp. 13, 28, 58), off road vehicle use (ORV) (p. 14, map 5), visual resources (pp. 14, 59), minerals management (pp. 16, 31, 56, 57, map 3-9), cultural and paleontological resources with respect to mineral leasing (pp. 17, 30, 55, 58, 59), fire control management (pp. 17, 53), wilderness (not open to leasing) (pp. 15, 57), and weed control (p. 60).

Under the RMP-ROD, as amended, the potential for geothermal resources within this lease nomination area is recognized, and the public lands within these nominations are identified as being open to geothermal leasing subject to prescribed leasing stipulations to protect other

resources. For lands within these lease nominations, the RMP implemented management guidelines and use restrictions for the following affected resources:

- Protection and management of federal threatened, endangered, candidate, sensitive wildlife and wildlife habitat including timing limitations for mineral leases within crucial wildlife habitats (RMP-FEIS pp. 26, 27, 48, 49, Table 1).
- Soil and water resources (RMP-FEIS pp. 44-45). Map 3-3 identifies areas within the lands nominated that have high erosion potential (refer to Attachment 4).
- Water quality and riparian areas (RMP-FEIS pp. 45, 49, and 52).

Priority for habitat improvement or maintenance would be given to Threatened, Endangered, and Sensitive species. In accordance with the Endangered Species Act, the U.S. Fish and Wildlife Service would be consulted with on any action that may affect a federally listed, proposed or candidate species. Proposed actions after lease issuance which may adversely affect sensitive species would be modified to avoid adverse impacts or to provide mitigation for unavoidable adverse impacts (RMP-FEIS, pp. 48-49).

The BLM is responsible for managing wildlife habitat on public lands. The Idaho Department of Fish and Game (IDFG) is responsible for managing wildlife populations. The BLM would continue to coordinate proposed activities and actions with the IDFG and utilize management guidelines in conservation or habitat management plans and cooperative agreements with the IDFG (RMP-FEIS, p. 48).

In crucial wildlife habitats (winter ranges, raptor nest sites, strutting grounds, fawning habitat, etc.), major construction and maintenance work will be scheduled to avoid or minimize disturbance to wildlife (RMP-FEIS, p. 48-49, Map 9). The controlled surface use and timing limitations shown in Table 1 (RMP-FEIS p. 49) have been updated by BLM Information Bulletin No. ID-2010-039 (USDOI BLM 2010). Refer to Attachment 3, stipulations 4.A - F.

Recommended lease stipulations for these resources, based on management direction in the Cascade RMP-ROD and other NEPA documents and agreements that amend the RMP are included in Attachment 3.

C. Identify applicable NEPA documents and other related documents that cover the Proposed Action. List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

LUP Amendment: Record of Decision and Resource Management Plan Amendments for Geothermal Leasing in the Western United States and associated Programmatic Environmental Impact Statement (Geothermal PEIS).

Date Approved: December 17, 2008.

Other related documents: Idaho Sage-grouse Advisory Committee. 2006. Conservation Plan for the Greater Sage-grouse. 358 pp.

Date: July 2006.

The Record of Decision for the Geothermal PEIS specifically amended 114 BLM land use plans, including the Cascade RMP-ROD, to allow for leasing on public lands identified as open to geothermal leasing. The Geothermal PEIS identified areas in the United States, in Idaho, and in the Four Rivers Field Office with high potential for commercially valuable geothermal resources. The PEIS developed the reasonably foreseeable development scenario, identifying 450 to 900 megawatts (MW) likely to be developed between 2008 and 2025 among the Four Rivers, Burley, Jarbidge, and Shoshone BLM Field Offices (PEIS, Table 2-7, p. 2-39). Specific stipulations and Best Management Practices were developed in the PEIS to protect and conserve resources related to threatened and endangered species, cultural resources, sensitive species, areas of sensitive and erodible soils, wildlife habitat, protection of important habitat and migration corridors, springs, wet meadow areas, water bodies, and compatibility with urban interface (PEIS, ROD, pp. 2-4 through 2-8).

The public lands and minerals in these nominations are open to geothermal leasing, subject to stipulations identified in the Cascade RMP-ROD, the Geothermal PEIS, and BLM directive ID-2010-039 (USDOI BLM 2010). The stipulations for management and protection of the greater sage-grouse and habitat are consistent with the Conservation Plan for the Greater Sage-Grouse in Idaho (ISAC 2006). The applicable lease stipulations are included in Attachment 3 (Stipulation 4.B.).

Other related documents include the following BLM directives which provide required stipulation language for specific resources included in Attachment 3, consistent with the Cascade RMP-ROD, as amended:

- *Bald and Golden Eagle Protection Act – Golden Eagle National Environmental Policy Act and Avian Protection Plan Guidance for Renewable Energy.* (BLM Instruction Memorandum WO-2010-156), and
- *Oil and Gas Leasing Stipulations* (BLM Instruction Memorandum WO-2002-174),
- *Cultural Resources and Tribal Consultation for Fluid Minerals Leasing* (BLM Instruction Memorandum WO-2005-003).
- *Courtesy Notification of Surface Owners When Split Estate Lands are Included in an Oil and Gas Notice of Competitive Lease Sale* (BLM Instruction Memorandum WO-2009-184).

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes, geothermal leasing was considered in the Cascade RMP-FEIS. The nominated lands were identified as available for geothermal leasing in the selected Alternative E of the RMP-FEIS (p. 2-50). Geothermal mineral exploration and development is open on 456,289 acres (94%) of the field office. For the lands in these nominations management guidelines include use constraints for the greater sage-grouse, Columbian sharp-tailed grouse (pp. 2-4, 2-45, Table 1) and for known occurrences of candidate or sensitive species such as the southern Idaho ground squirrel

(p. 2-4), as well as use constraints to protect erosion hazard soils (p. 2-4). These lease nominations are in areas where use constraints are identified, but still may be considered for energy and minerals leasing (pp. 16 and 56, Map 3-9).

The lands involved in this lease offering were among those analyzed in the Geothermal PEIS and a decision was made to make such lands available for leasing consideration (PEIS ROD, p.A-3, Table A-1). The Geothermal PEIS decision was to make Federal geothermal resources available for geothermal leasing, subject to existing laws, regulations, formal orders, stipulations attached to the lease form, and the terms and conditions of the standard lease form (PEIS ROD 1.6, PEIS Chapter 2, p. 2-9, Table 2-1, Appendix C, C-7).

Based on the Geothermal PEIS, the BLM can make decisions whether or not to issue geothermal leases in conformance with the amended land use plan. The BLM intended that the RMP amendment process allow the BLM to conduct a DNA evaluation to make lease sale decisions without further plan amendments or NEPA analysis when lease nominations or requests for direct use were submitted (PEIS, pp. 1-6, 12). Under the Geothermal PEIS Record of Decision (p. 2-1), the BLM may issue stipulations that impose moderate to major constraints on use of the surface of any lease in order to mitigate the impacts to other land uses or resource objectives, as defined in the RMP-FEIS. Specific stipulations were developed in the Geothermal PEIS to protect and conserve resources related to erodible and sensitive soils (PEIS pp. 2-18, 19), habitat for special status species plants (PEIS p. 2-20), wildlife habitat (PEIS, 2-17, 18, 19, 20), and ACECs (PEIS, Appendix C, C-7). No new closures were proposed in the Geothermal PEIS (PEIS, p. 2-7).

2. Is the range of alternatives analyzed in the existing NEPA documents(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes, these alternatives remain valid given current concerns, interests, resource values, and the Conservation Plan for the Greater Sage-Grouse in Idaho. The RMP-FEIS analyzed five alternatives, all of which allowed for from 93 percent to 94 percent (454,389 to 456,289 acres) to be open to leasable mineral exploration and development. Alternative E, the approved alternative, allows for 456,289 acres open, subject to seasonal closures for wildlife habitat occupancy restrictions (p. 2-50), 3,549 acres of no occupancy restriction for 13 special management areas and 21 recreation management areas, and implementation of management actions for candidate or sensitive species, exclusion of surface and subsurface rights-of-way and timing limitations in all mineral leases in those areas known to contain candidate or sensitive species (p. 26, 27, 48, 49, Table 1).

The RMP FEIS recognized the importance of wildlife species habitat by providing the same level of protection for all alternatives (pp. 48, 49, Table 1). The Conservation Plan for the Greater Sage-Grouse in Idaho provides additional protection for sage-grouse habitat; however, the more restrictive prescriptions in the RMP would apply, rather than the prescriptions in BLM Instruction Bulletin 2010-039 (USDOI BLM 2010).

Four alternatives were considered in the Geothermal PEIS, the no action alternative, two action alternatives, and a no lease alternative (PEIS, pp. 2-31 through 2-34). Alternative A considered the continuation of current management or no action. Alternative A was not selected because

taking no action would not facilitate leasing and does not meet the stated purpose and need (PEIS ROD Section 1.3.1, p. 1-8). Alternative B, the preferred alternative, originally proposed to retain or allocate approximately 118 million acres of BLM lands open to geothermal leasing, subject to existing laws, regulations, and formal orders, stipulations attached to the lease form, and the terms and conditions of the standard lease form, and to amend 122 BLM land use plans. Based on public comment and internal review of the Final PEIS, Alternative B was slightly modified. Under the PEIS Record of Decision, 114 land use plans (PEIS ROD Appendix A) were amended to retain or allocate 111 million acres of BLM land and minerals open to geothermal leasing under the same legal conditions listed above (PEIS ROD Section 1.3.2, p.1-8). The PEIS Record of Decision also adopts the PEIS stipulations and Best Management Practices that may be applied to subsequent permits for all phases of exploration and development (PEIS ROD Section 1.3.2, p. 1-8 and 1-9). Alternative C was developed in response to public scoping. Alternative C considered leasing lands within a 20-mile corridor of transmission lines and lines currently under development at 60kV to 500kV. Although Alternative C was not selected since it would significantly reduce the BLM's ability to facilitate geothermal leasing and alternative energy development on public lands (PEIS ROD Section 1.3.3, pp. 1-9 and 1-10), the current lease nominations fall within its consideration zone, as these lease nominations lie within a 7-mile corridor of an existing 69 kilovolt electrical transmission line that was constructed in 1981 (IDI-016936). A county road and railroad right-of-way are situated parallel to the power line (IDI-21319; IDI-1059). All three rights-of-way are adjacent to the southern-most lease nomination parcel.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. The resources and uses of the lands considered in this proposal have not substantially changed since the 1988 Cascade RMP-ROD decision was implemented. Although several terrestrial animal species have been designated endangered, threatened, or a candidate for listing since the RMP-ROD was signed, management guidelines have been developed in coordination with the Idaho Department of Fish and Game and local working groups. Endangered, threatened, or candidate species that have habitat in the proposed lease area include the gray wolf, southern Idaho ground squirrel, greater sage-grouse, and yellow-billed cuckoo. Gray wolves in this area are identified by the U.S Fish and Wildlife Service as experimental nonessential populations. No known pack activity or denning sites are known to occur within 40 miles of the nominated parcels. The proposed parcels fall within the range of the southern Idaho ground squirrel, a candidate species. The nominated parcels are all within two miles of known historic observations. Surveys in the immediate area have been cursory and sporadic; until shown otherwise by intensive surveys, it must be assumed the parcels are currently occupied. At the present time, the USFWS has not developed any management guidance specifically related to southern Idaho ground squirrels. The proposed parcels are in greater sage-grouse range. Controlled use and timing limitation stipulations for management and protection of the greater sage-grouse and habitat were developed in the RMP-FEIS and updated in BLM Instruction Bulletin ID-2010-039 (USDO I BLM 2010).

The following issues were identified through the interdisciplinary team review and public scoping efforts:

National Environmental Policy Act (NEPA) compliance analysis

Some individuals and organizations expressed the concern that the issuance of leases would authorize construction of a large industrial power plant and infrastructure to the detriment of southern Idaho ground squirrel and greater sage-grouse habitat. However, a geothermal lease does not authorize any ground disturbing activity.

This analysis, the Determination of NEPA Adequacy (DNA), is the documentation and review of the Cascade RMP-ROD and other pertinent NEPA documents demonstrating that geothermal leasing is allowed for in the land use plan. Subsequent ground-disturbing activities on individual lease parcels, such as exploration, drilling and testing, or the construction of a geothermal power plant would require site-specific approval for the intended activities or operations. Such approval would include additional environmental reviews and permits, as appropriate (Geothermal PEIS ROD Section 1.3). All activity on a geothermal lease would be reviewed for compliance with Federal and State regulations, including the Geothermal Resources Operational Orders 1-7 (issued under the Geothermal Steam Act of 1970), and the State of Idaho Geothermal Rules for permitting the development and appropriation of geothermal resources through the use of wells (Idaho Code Title 42, Chapter 40, Idaho Code Title 47, Chapter 16, and Idaho Code 37 Title 03 Chapter 04 [IDAPA 37.03.04]). Proposals that are determined, through the NEPA process, to cause undue or unnecessary degradation, or are not consistent with the terms and conditions of the lease, including stipulations, would not be approved. Such proposals may require modification of the proposed activity, or relocation of the activity to another area of the lease.

A reasonably foreseeable development scenario (RFDS) was included in the Geothermal PEIS to help land managers analyze impacts to other resources that may be anticipated after leasing. The RFDS shows that typical phases in geothermal development are (1) exploration, (2) drilling, (3) development and utilization (power plant), and (4) reclamation and abandonment (PEIS Section 2.5, pp.2-31 through 2-52). Each phase is dependent upon success or failure of the previous phase and, therefore, not all phases would necessarily occur. For example, if the exploration operations do not identify a geothermal reservoir with sufficient heat for energy production, geothermal development would not occur. Prior to exploration operations, the BLM must approve a Notice of Intent to conduct Geothermal Resource Exploration Operations (NOI). An approved NOI would include any necessary conditions of approval derived from an environmental review of the proposal (CFR 43 §3251). Prior to drilling, the BLM must approve a drilling permit based on the environmental review of an operations plan and drilling program that must be submitted to the BLM prior to any surface disturbing activities on the lease (CFR 43 §3261). Prior to construction of a geothermal power plant on federal lands, the lessee or operator would be required to have a BLM approved utilization plan and facility construction permit that would address any pipelines or facilities (CFR 43 §3271).

Management and regulation of water resources

One adjacent landowner expressed concern about possible impacts to water quality and flow in their existing water wells and fresh water springs on adjacent private lands. In the Geothermal PEIS, impacts to water resources and water quality are discussed Section 4.7 (Water Resources and Quality). On pages 4-46 to 4-47, the impacts to water resources expected to occur as a result of implementing the selected alternative are described. Under this alternative, the BLM would apply necessary stipulations to minimize impacts to water resources. There is one fresh water spring, but no perennial streams on the nominated lands, and it is anticipated that any geothermal development would be typical of that described in the PEIS. A stipulation entitled Protection of Water Quality and Existing Wells would be attached to leases for the nominated parcels (refer to Attachment 3, stipulation 4.E.). This stipulation notifies the lessee that a hydrologic monitoring program may be required to protect water quality and quantity of existing wells. This stipulation is consistent with the PEIS (pg 4-47).

The Idaho State Board of Land Commissioners oversees and governs geothermal development and the conduct of any geothermal operations in Idaho to protect ground water and low temperature geothermal resources. The Idaho Department of Water Resource regulates geothermal drilling under Idaho Code Title 42, Chapter 40, Idaho Code Title 47, Chapter 16, and specific regulations at Idaho Code 37 Title 03 Chapter 04 (IDAPA 37.03.04) to protect both the geothermal resource and any overlying cold water resources. Protection of water quality, valid existing water rights, and management of water resources are adequately addressed in the existing analyses.

Private surface use and split-estate concerns

The surface estate in the following nomination area is privately owned, with all minerals reserved to the United States.

T. 11 N., R. 6 W.,
Sec. 18, W2NE, E2NW, NWSE.
(200 acres).

While the lessee has a right to explore for and develop the geothermal resources on split estate lands, (s)he is required to make a good faith effort to obtain a surface use agreement with the surface owner (CFR 43 §3250.10(a)(2), USDO IBLM WO 2009-184). If good faith efforts to obtain a surface use agreement fail, the lessee must submit a Damages Bond to the BLM for the benefit of the surface owner. The surface owner is entitled to seek compensation from the lessee for damages to crops or tangible improvements, and if not satisfied, can file a claim in court for payment under the Damages Bond.

Use of private land overlying federal minerals would be controlled by the current Washington County Comprehensive Plan, and by the Washington County zoning and subdivision ordinances. County personnel, with the support of the Planning and Zoning Commission, administer the plan and facilitate development applications in accordance with city ordinances and guidelines. Split estate lands in these nominations are zoned Rural Agriculture. The applicable zoning may be construed to allow geothermal development as a conditional use. County personnel, with the support of the County Planning and Zoning Commission, administer the plan and facilitate

development applications in accordance with County ordinances and guidelines. Proposed uses outside the scope of the current zoning would be considered by the Washington County Planning and Zoning Department.

Federal Energy Regulatory Commission (FERC)

The following lands within a reservation for surface by FERC are subject to a special lease stipulation and coordination with FERC for use of the surface, consistent with RMP-ROD and PEIS:

T. 11 N., R. 6 W.,
 Sec. 18, Lot 4, S2SWSESW, SWSESESW
 Sec. 19, Lot 5.

Southern Idaho Ground Squirrel

The southern Idaho ground squirrel (SIDGS), a candidate species, occurs in an area of about 77 square miles in Payette, Gem, and Washington counties. A status survey was conducted during 1984 (Yensen 1985), and the population was estimated to comprise 40,000 individuals. By 1999, the population size was estimated to be 2,000-4,500 individuals (Yensen 2001). More recent survey data indicate populations have increased somewhat in the southern portion of SIDGS range (K. Lohr, Idaho Department of Fish and Game, unpublished report). However, no current data has been collected in the northern portion of the range, including the West of Weiser lease nomination area (K. Lohr, pers. comm.). In October 2001, the species was declared a candidate for threatened or endangered status by the U.S. Fish and Wildlife Service (USFWS 2001), and currently is considered a species of greatest conservation need by the IDFG (IDFG 2005). Potential threats would be the destruction of burrows from construction and additional perch spots for avian predators. A stipulation regarding this sensitive species is included in Attachment 3 (Stipulation 4.A.).

For any future ground-disturbing activities, separate NEPA analysis would be conducted. Best Management Practices would be incorporated to mitigate any potential resource impacts in the project area.

Greater Sage-Grouse and Columbian Sharp-tailed Grouse

The greater sage-grouse, a candidate species, and Columbian sharp-tailed grouse, a BLM sensitive species, have been documented in the vicinity of the proposed West of Weiser lease area. Idaho Department of Fish and Game (IDFG) data indicate that two sage-grouse leks are located in close proximity north of the parcels in Sections 32 and 33, Township 12 North, Range 6 West. The current status of these leks is unknown. Additionally, IDFG data indicate that sage-grouse moving between winter and breeding areas may utilize proposed lease lands during seasonal movements (G. Gray and D. Evans Mack, Idaho Department of Fish and Game, unpublished report). Proposed lease lands near Weiser are designated as Type II restoration areas by the Idaho Sage-grouse Advisory Committee (ISAC 2006). Sage-grouse and other sagebrush obligate birds may avoid or abandon otherwise suitable breeding habitat, brood areas, and other habitats near industrial developments. In addition, infrastructure (e.g., fencing, power poles, and other elevated structures) provide potential perch sites for raptors and nest sites for

corvids which could increase sagebrush obligate bird predation and nest depredation rates and can result in direct mortality due to collisions.

The Conservation Plan for the Greater Sage-grouse in Idaho identifies three categories of geothermal infrastructure development as potential threats to sage-grouse: the utility lines needed to carry the electricity generated by the geothermal resource; pipelines needed to transport the heated water; and the roads associated with the pipelines (Conservation Plan for the Greater Sage-grouse in Idaho, p. 4-31). The Conservation Plan identifies conservation measures that the IDFG, BLM, and private land owners would implement to conserve and protect habitat for the greater sage-grouse in west central Idaho and reflect BLM's commitment to support species conservation. The Conservation Plan is consistent with management guidelines provided in the RMP-FEIS for fluid leasing (pp.48, 49, Table 1), which identifies seasonal occupancy restrictions for protection of sage-grouse. This seasonal occupancy restriction has been updated by BLM Instruction Bulletin ID-2010-039 (USDOI BLM 2010), which provides lease stipulation language to be used for this proposed action (refer to Attachment 3, Stipulation 4.B.).

In 1988, the BLM designated the Columbian Sharp-tailed Grouse Habitat Area of Critical Environmental Concern (ACEC). The ACEC, located 8 miles north of the nominated parcels, identifies 4,200 acres for improvement, protection, and enhancement of habitat for sharp-tailed grouse. Seasonal occupancy restrictions are identified in the RMP-FEIS for fluid leasing (pp.48, 49, Table 1) for protection of sharp-tailed grouse. This seasonal occupancy restriction has been updated by BLM Instruction Bulletin ID-2010-039 (USDOI BLM 2010), which provides lease stipulation language to be used for this proposed action (refer to Attachment 3, Stipulation 4.C.).

Specific BLM guidance for greater sage-grouse and Columbian sharp-tailed grouse habitat includes:

[2008 BLM Manual 6840 – Special Status Species Management](#) - .06 Policy. Actions authorized by the BLM shall further the conservation (i.e., to use, and the use of, all methods and procedures that are necessary to bring a listed species to the point at which the measures provided pursuant to the ESA are no longer necessary) and/or recovery of federally listed species.

[Seasonal wildlife restrictions and procedures for processing requests for exceptions on public lands in Idaho \(BLM Information Bulletin No. ID-2010-039\)](#) - Suitable nesting and early brood-rearing habitats have not been mapped in most parts of Idaho, so these will need to be identified on a project by project basis.

Project-level inventories would be completed as appropriate during project planning if inventory information is not available or adequate to determine if impacts to the species or habitat may occur. If direct or indirect negative impacts to the species or its habitat are anticipated as a result of new BLM actions, the activity would be modified to avoid or minimize anticipated negative impacts. BLM would complete all necessary Section 7 compliance for new activities that may affect this species and its habitat. This existing management language has been incorporated into lease stipulations compiled in Attachment 3.

For any future ground-disturbing activities, separate NEPA analysis would be conducted. Best Management Practices would be incorporated to mitigate any potential resource impacts in the project area.

As explained in Section 2.2.2 of the PEIS, the BLM would apply the ESA-related stipulation (PEIS, pp. 2-20 and 6-9) on any leases where threatened, endangered, or other special status species is known or strongly suspected. Additionally, the BLM would provide a separate notification through a lease notice to prospective lessees identifying the particular special status species that are present on the lease parcel offered. The stipulations in Attachment 3 are consistent with this direction.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes, the effects are the same as those previously analyzed. The issuance of a geothermal lease does not, in itself, provide any approval for actions that would impact public land resources; therefore, no direct, impacts would result from this action (PEIS Section 4.1.1).

The PEIS analyzes the broad impacts associated with allocating geothermal resources for leasing. Many factors vary across the 12-state project area and the PEIS does not evaluate site-specific issues associated with the geothermal development process. Should development applications be received on any parcel that is leased, additional site-specific and action-specific NEPA review must occur.

The analysis in the PEIS analyzes both direct and indirect impacts based on the foreseeable on-the-ground actions, including exploration, drilling, and utilization. These impacts could not be analyzed site-specifically, but they are analyzed for the planning area based on the RFD scenario. Additional site-specific analysis would be conducted during the permitting review process for subsequent exploration, drilling, and utilization applications.

Cumulative impacts were analyzed according to CEQ's methodology using an appropriate geographic scope, time frame, and relevant reasonable foreseeable future actions associated with geothermal development (PEIS Section 5.2.1). The cumulative impacts remain substantially unchanged from those analyzed in the Geothermal PEIS.

There are several stages of decision-making necessary to approve geothermal resource development as described in the Geothermal RFD scenario, each with its own environmental compliance requirements. The issuance of a lease does not give the lessee the right to proceed with exploration or development (i.e., any surface-disturbing activities beyond casual use). Subsequent site-specific permits and associated environmental review are required (PEIS ROD 1.5).

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes, full public review occurred during the planning processes for the RMP-FEIS (Cascade RMP-ROD, p. 8) and the Geothermal PEIS process (PEIS Section 1.13.1, Chapter 6 and Appendix L).

Public Scoping for the Geothermal PEIS

During the public review process for the Geothermal PEIS, approximately 175 people attended the scoping meetings, 101 verbal comments were catalogued from these meetings, and 79 written comments were received. Public meetings were held in ten cities throughout the west in July 2007, including Boise, Idaho. Seventeen agencies, organizations, and industries, including the Idaho Conservation League, provided comments during the PEIS scoping process (p. 6-2).

On February 4, 2008, the BLM and Forest Service published a scoping report on the project web site that summarized and categorized the major themes, issues, concerns, and comments expressed during scoping. The BLM and Forest Service considered the comments in developing the alternatives and analytical issues that are contained in this PEIS.

Public Comments on the Draft PEIS

The United States Environmental Protection Agency (EPA) published a Notice of Availability (NOA) of the Draft PEIS on June 20, 2008. Copies of the document were sent to a mailing list of over 1,000 recipients. During the 90-day public comment period, 13 public meetings were held in July 2008, including one in Boise, Idaho.

Over 70 organizations, government agencies, industry representatives, and individuals responded during the comment period. Individuals affiliated with 46 agencies, organizations, and industries, including Western Watershed Project (Letters A-6 & A-9), and individuals without a particular affiliation provided comments (Appendix L, p.L-4). Most of the written submissions contained multiple comments on different topics, and over 500 unique comments were made. All information received through these comments was evaluated, verified, and incorporated into the Final PEIS, as appropriate. Copies of all accepted written submissions are provided in Appendix L of the PEIS, and the BLM and Forest Service response to each separate comment follows the comment letter.

Comments on the PEIS pertained to a number of issues, including, but not limited to, scope of the document, identification of public lands available for leasing, and incorporation of site-specific stipulations and Best Management Practices (BMPs). In addition, comments also related to the following resources and resource uses: air quality, cultural resources, fish and wildlife, geologic resources and seismic setting, livestock grazing, land use and special designations, minerals and energy, noise, national scenic and historic trails, recreation, socioeconomics and environmental justice, special status species, tribal interests, vegetation, visual resources, and water resources (PEIS, p. 6-4).

Government-to-Government Consultation

The BLM and the Forest Service worked on a government-to-government basis with Native American tribes to provide the tribal entities sufficient opportunities for productive participation in the PEIS planning and resource management decision making (PEIS, p. 6-5). Seven tribes, representing areas in Arizona, California, Oregon, and Washington states, provided a response letter. One letter noted that no lease applications were in their area of interest, four letters requested consultation if any lease applications would fall in their areas of interest, and two letters requested consultation and to help participate in the PEIS process. Follow-up contacts were made with the two tribes that had requested consultation on the PEIS, along with another tribe with interests in multiple states. Local BLM officials continue to coordinate ongoing government-to-government consultation for pending leases.

In November, 2010, the BLM Four Rivers Field Office Manager provided a briefing about these lease nominations for the Shoshone-Paiute Tribe during the Wings and Roots process. The briefing included the project description, location maps, resource issues already identified (coordination with FERC), anticipated timeline, and a summary of existing geothermal leases in Washington County and two other counties in Idaho (seventeen leases total). Information was also provided about the Energy Policy Act of 2005 and the 2008 PEIS that amends the Cascade RMP for geothermal leasing. As a result of the consultation process, the Shoshone-Paiute Tribe indicated that it would reserve further comments for the development phases, if and when they occur. The BLM contacted other tribes, including the Nez Perce and the Shoshone-Bannock, who did not respond.

Endangered Species Act – Section 7 Consultation

The BLM is an action agency for purposes of allocating lands available for leasing, and future lease applications that may be submitted. In complying with our duties under Section 7 of the ESA, the BLM examined the effects on listed species and critical habitat, both of allocating land as available for leasing of geothermal resources through land use plan amendments, and of issuing leases for these resources. As a result of this examination, the BLM determined that neither of these actions (amending land use plans nor issuing geothermal leases) would cause any effect on a listed species or on critical habitat. This determination is based on the following factors; 1) Allocation Decisions Do Not Cause Effects on Species or Habitats; 2) Lease Issuance Does Not Cause Effects on Species or Habitats (PEIS, pp. 6-8, 9, 10, and 11).

As explained in Section 2.2.2 of the PEIS (pp. 2-20 and 6-9), the BLM would apply the ESA-related stipulation on any leases where threatened, endangered, or other special status species or critical habitat is known or strongly suspected. Additionally, the BLM would provide a separate notification through a lease notice to prospective lessees identifying the particular special status species that are present on the lease parcel offered.

The effects of any future development-stage activities that might occur subsequent to the issuance of a lease would only be allowed following additional site-specific compliance with ESA and other applicable laws. The regulations governing geothermal leasing and development provide for several decision stages prior to commencement of any ground-disturbing activities, and contemplate further compliance with applicable authorities during these decision stages. Until BLM receives an application for a permit to drill, or other authorization, which includes

specific information about particular projects (i.e., location, scale, technology), and adjudicates, it is impossible to determine what effects on listed species or critical habitat might be “reasonably certain to occur” (see 50 CFR Part 402). Consultation with the National Oceanographic Atmospheric Administration (NOAA) or the U.S. Fish and Wildlife Service under Section 7 would occur when needed at the appropriate geothermal decision stage (PEIS, p. 6-10).

Stipulations for protection and mitigation of potential impacts to habitat for the greater sage-grouse and southern Idaho ground squirrel are included in Attachment 3. Any effects to a listed species that might occur in any of the areas allocated through lease issuance are potential future events. Any grant for exploration, drilling, utilization, or other site-specific authorization, would only follow policy and legal review, including compliance (and consultation if appropriate) under Section 7 of the ESA (PEIS, p. 6-12).

Site-Specific Consultation and Coordination

In addition to the extensive public scoping conducted in the fall of 2010 for this project, a notice of competitive lease sale would be posted in the BLM Idaho State Office and on the BLM website at least 45 days prior to the lease sale, in accordance with 43 CFR § 3203.14. The lease sale notice is also made available through the mail for a fee to those that request it. BLM anticipates offering these parcels in 2011.

E. Persons/Agencies/Government-to-Government/BLM Staff Consulted

BLM Four Rivers Field Office	US Senate, Honorable Michael Crapo
BLM Idaho State Office	US Senate, Honorable Jim Risch
Washington County Commissioners	US House of Representatives, Honorable
Washington County Planning & Zoning	Walt Minnick
Grazing Board Resource Area	Executive Office of the Governor
Representatives	Golden Eagle Audubon Society
Resource Advisory Council	Natural Resources Defense Council
US Fish & Wildlife Service	Rocky Mountain PEER
US Army Corps of Engineers	Advocates for the West
US Bureau of Reclamation	Land & Water Fund
US Federal Energy Regulatory Commission	Western Watershed Projects
Idaho Dept Fish & Game, Southwest	Committee for Idaho's High Desert
Regional Office	Idaho Native Plant Society
Idaho Dept of Agriculture	Idaho Wildlife Council
Idaho Department of Fish and Game	Idaho Wildlife Federation
Idaho Department of Lands	Idaho Conservation League
Idaho Dept of Environmental Quality	Sierra Club
Idaho Department of Lands	The Nature Conservancy
Idaho Department of	Idaho Cattle Association
Transportation	Idaho Farm Bureau Federation
Idaho Department of Water Resources	High Desert Coalition
Idaho State Historic Preservation Office	Idaho Rivers United
US House of Representatives, Honorable	Trout Unlimited
Michael Simpson	

West Central Sage-grouse Local Working Group
Idaho Power Company
Fort Hall Business Council
Fort McDermitt Paiute and Shoshone Tribe
Shoshone-Bannock Tribes
Shoshone-Paiute Tribes
Burns Paiute Tribe
Nez Perce Tribe
Confederated Tribes of the Umatilla Indian Reservation
Weiser Valley Highway District
Valerie Lenhartzen, Geologist, Four Rivers Field Office
Mark Steiger, Botanist, Four Rivers Field Office
Jill Holderman, Wildlife Biologist (SIDGS), Four Rivers Field Office
Tim Carrigan, Wildlife Biologist, BLM Renewable Energy Coordination Office, BLM Idaho State Office
Christina Handy, Rangeland Management Specialist, Four Rivers Field Office
Dean Shaw, Archaeologist/paleontology, Four Rivers Field Office
Larry Ridenhour, Outdoor Recreation Planner, Visual Resources Management,

Four Rivers Field Office
Allen Tarter, Riparian Specialist and Water Quality, Four Rivers Field Office
Lara Hannon, Ecologist, Four Rivers Field Office
Lonnie Huter, Weeds Specialist, Four Rivers Field Office
Effie Schultsmeier, Realty Specialist, Four Rivers Field Office
Kelly Moore, Realty Specialist, Boise District Office
Carrie Wontorcik, HazMat, Four Rivers Field Office
Andy Delmas, Fire and Fuels, Four Rivers Field Office
Lance Okeson (Fuels lead) , Four Rivers Field Office
Brandon Knapton, Resource Coordinator, Boise District
Rebecca Lange, Geologist, Fluid Minerals, Project Lead, Idaho State Office
Terry Humphrey, Field Manager, Four Rivers Field Office
Matt McCoy, Assistant Field Manager, Four Rivers Field Office
Jon Beck, Planning and Environmental Coordinator, Boise District Office

Note: Refer to the PEIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion (If you found that one or more of these criteria is not met, you will not be able to check this box.)

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM' compliance with the requirements of the NEPA.

Rebecca S. Lange
Signature of Project Lead

Joseph H. Beck
Signature of NEPA Coordinator

[Signature]
Signature of the Responsible Official

3/11/11
Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

References

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- Idaho Code Title 42-40, [<http://law.justia.com/idaho/codes/42ftoc/42040ktoc.html>]
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- USDOI BLM Information Bulletin ID 2010-039, July 26, 2010.
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Attachments

Attachment 1 – Project Location Map

Attachment 2 – Topographic Map

Attachment 3 – Lease Stipulations and Lease Notices

Attachment 4 – Erosion Hazard Soils Map